

Serial No.: 10/733,060

REMARKS/ARGUMENTS

This application has been reconsidered carefully in light of the Office Action dated as mailed on 20 August 2007. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

No additional claim fee is believed due as a result of this Amendment because neither the total number of pending claims nor the number of pending independent claims is believed to exceed the total number and the number of independent claims, respectively, for which fees have previously been paid. If, however, it is determined that such a fee is properly due as a result of this communication, the Commissioner is hereby authorized to charge payment of such fees or credit any overpayment, associated with this communication, to Deposit Account 19-3550.

Amendment to the Claims

By the above, Claims 1 and 13 have been amended to not rely on the preamble for antecedent basis. Claims 1-28 remain in the application.

Telephone Interview Summary

The undersigned confirmed with Examiner Chambers on 26 September 2007 that the objection to Claims 1 and 13 in the first Office Action is not formally maintained in the final Office Action.

AAI-14286

10

I/mds

Serial No.: 10/733,060

Request to Withdraw the Finality of the Office Action

Applicant requests the Examiner to withdraw the finality of the Office Action and reopen prosecution for this Patent Application.

Applicant's Replacement Amendment dated 24 May 2007 asserted, and Applicant herein still asserts, that the rejection of Claim 21 is improper as it does not clearly address all claim limitations of Claim 21 in a manner that allows Applicant to sufficiently respond. Applicant's previously filed Replacement Amendment specifically requested that if the rejection of Claim 21 as anticipated by the Shirk et al. Patent was going to be maintained, that the next Office Action should be non-final and include more detail in the rejection to allow Applicant a proper opportunity to respond. The final Office Action contains no more detail as to the rejection of Claim 21, nor a response to Applicant's arguments against the anticipation rejection.

The rejection of Claim 21 in the final Office Action is not complete, so as to allow Applicant a chance to sufficiently reply. None of the Office Actions have explained how the Shirk et al. Patent teaches each and every limitation of Claim 21. Whereas the final Office Action's rejection of Claim 21 refers to the rejection of the preceding claims, this is not sufficient because the final Office Action indicates that the "wherein" clauses of Claims 1 and 13 were not considered. Claim 21 was not included in the prior objection to Claims 1 and 13, and Claim 21 positively recites an adapter plate. Thus the "wherein" clause of Claim 21 should be considered and a proper rejection should explain how all the limitations of Claim 21 are taught by the Shirk et al. Patent.

None of the Office Actions explains how the Shirk et al. Patent teaches the following required limitations of Applicant's Claim 21: 1) an adapter plate including an adapter plate opening and an initiator retainer element disposed on a first side of the adapter plate and the connector socket disposed on a second side of the

Serial No.: 10/733,060

adapter plate opposite the first side; 2) at least two retaining arms extending from at least one of the initiator retainer element and the connector socket, with each of the at least two retaining arms including a latch tab; and 3) the at least two retaining arms extending through the adapter plate opening and the latch tabs of the retaining arms being snap-locked to a surface of one of the initiator retainer element and the connector socket to connect the initiator retainer element, the adapter plate, and the connector socket together.

As Applicant does not understand how the Examiner justifies maintaining the rejection of Claim 21, Applicant lacks necessary information for determining how to proceed. Therefore, Applicant respectfully requests that prosecution be reopened and that the Examiner properly explain the rejection of Claim 21. Applicants have also concurrently filed a separate, formal Petition to withdraw the finality of the Office Action to ensure compliance with MPEP section 706.07(c).

Claim Rejections - 35 U.S.C. §102

The rejection of claims 1-4, 8-10, 13, 14, 18 and 21 under 35 U.S.C. §102(b) as anticipated by Shirk et al., U.S. Patent 6,056,314, is respectfully traversed.

The Office Action states in paragraph 15 that because Applicant "refused"¹ to provide antecedent basis for the inflator device of Claims 1 and 13, the "wherein" clauses weren't considered. Applicant has made the change to Claims 1 and 13, attempting to expedite prosecution. However, Applicant notes that the original Claim 1 did (and does) recite "a first side of a wall of the inflator device" (emphasis added). In response to the Office Action's statements in paragraph 15,

¹Applicant did not actually refuse to change the antecedent basis, but did ask for clarification because the basis of the objection in the Office Action was not clear.

Serial No.: 10/733,060

Applicant asserts the recitation of "a first side of a wall" is sufficient for the Examiner to consider the "wherein" clause. Thus, even if the Amendment isn't entered, the "wherein" clause of at least Claim 1 should be considered.

Applicant further notes that Claim 21 was not objected to in the manner of Claims 1 and 13, yet the Office Actions do not explain how the Shirk et al. Patent teaches the limitations of the "wherein" clause of Claim 21.

The final Office Action states the Shirk et al. Patent discloses a connector socket 62 and a retainer 122 (both referred to as such below) for connecting the initiator to the connector socket 62. The retainer 122 fits into a groove 70 of the connector socket 62.

Applicant's invention of Claim 1 requires that the initiator retainer element is adapted to be disposed on a first side of a wall of an inflator device and the connector socket is adapted to be disposed on a second side of the wall opposite the first side. Unlike Applicant's claimed invention, the retainer 122 is on the same side of the wall 40 as the connector socket 62. As the Shirk et al. Patent does not teach or suggest an initiator retainer element on an opposite side of a wall from a connector socket, as in Applicant's claimed invention, the Shirk et al. Patent does not anticipate Applicant's invention of independent Claim 1.

Independent Claim 13 requires retaining arms of an initiator retainer element that extend through a wall opening of an inflator device and a connector socket opening to snap-lock to a surface of the connector socket and connect the initiator assembly to the inflator device wall. Again, the retainer 122 of the Shirk et al. Patent is disposed on the same side of the wall 40 as the connector socket 62. The retainer 122 does not have any retainer arm that extends through any wall opening of the inflator device and snap-locks to the connector socket 62. As the Shirk et al. Patent does not teach or suggest initiator retainer element retaining arms that extend

Serial No.: 10/733,060

through a wall opening of an inflator device and a connector socket opening to snap-lock to a surface of the connector socket and connect the initiator assembly to the inflator device wall, as in Applicant's claimed invention, the Shirk et al. Patent does not anticipate Applicant's invention of independent Claim 13.

Independent Claim 21 requires that the initiator retainer element is disposed on a first side of an adapter plate and the connector socket is disposed on a second side of the adapter plate opposite the first side. Unlike Applicant's claimed invention, in the Shirk et al. Patent the retainer 122 is on the same side of the wall 40 as the connector socket 62. As the Shirk et al. Patent does not teach or suggest an initiator retainer element on an opposite side of an adapter plate from a connector socket, as in Applicant's claimed invention, the Shirk et al. Patent does not anticipate Applicant's invention of independent Claim 21.

Furthermore, Claim 21 requires at least two retaining arms that extend through an adapter plate opening, and where latch tabs of the retaining arms are snap-locked to a surface of one of the initiator retainer element and the connector socket to connect the initiator retainer element, the adapter plate, and the connector socket together. Again, the retainer 122 of the Shirk et al. Patent is disposed on the same side of the wall 40 as the connector socket 62. The retainer 122 does not have any retainer arm that extends through any wall opening and snap-locks to the connector socket 62. As the Shirk et al. Patent does not teach or suggest initiator retainer element retaining arms that extend through a wall opening to snap-lock to a surface of one of an initiator retainer element and a connector socket to connect the initiator retainer element, the adapter plate, and the connector socket together, as in Applicant's claimed invention, the Shirk et al. Patent does not anticipate Applicant's invention of independent Claim 21.

Serial No.: 10/733,060

Claims 2-4, 8-10, 14 and 18 depend from Claims 1 and 13, respectively, and are allowable for at least the same reasons discussed above.

Furthermore, Claim 2 recites that the initiator retainer element and the connector socket are adapted to snap-lock together through an opening in the inflator device. As the retainer 122 and the connector socket 62 of the Shirk et al. Patent are disposed on the same side of wall 40, the Shirk et al. Patent does not teach or suggest that the retainer 122 and the connector socket 62 snap-lock together through an opening in the inflator device.

Claim 3 recites at least two retaining arms adapted to extend through an opening in an inflator device. Claim 3 is patentable over the Shirk et al. Patent for reasons similar to those discussed above for claim 13.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 12 and 20 under 35 U.S.C. §103(a) as being unpatentable over Shirk et al., U.S. Patent 6,056,314, is respectfully traversed. Claims 12 and 20 depend from Claims 1 and 13, respectively, and are thus patentable for at least the same reasons discussed above for Claims 1 and 13.

In addition, the Office Action states it would have been obvious to form the retainer of the Shirk et al. Patent from plastic. However, the retainer is specifically disclosed as being formed of metal to engage the retainer wiper arms 134 with the terminals 112 and 114 to complete an electrical circuit between the terminals through the metal of the retainer (Col. 4, lines 56-64). The metal retainer serves a dedicated purpose that plastic materials would not be suited for. The Shirk et al. Patent teaches away from forming the retainer from plastic.

For at least these additional reasons, Applicant's invention of Claims 12 and 20 would not have been obvious over the Shirk et al. Patent.

Serial No.: 10/733,060

Allowable Subject Matter

Applicant thanks the Examiner for his efforts in identifying Claims 5-7, 11, 15-17, 19 and 22-28 contain allowable subject matter. Applicant asserts the above Amendment and remarks place all claims in condition for allowance.

Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not resolved in this response, Applicant's undersigned attorney requests an additional telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



Mark D. Swanson
Registration No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road; Suite 365
Hoffman Estates, Illinois 60169
TEL (847) 490-1400
FAX (847) 490-1403